APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,155	08/24/2001	Brian A. Hansche	IRI05446	4168

22863	7590	06/29/2005

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EXAMINER
ZHONG, CHAD

ART UNIT	PAPER NUMBER
2152	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/939,155	HANSCHE ET AL.
	Examiner	Art Unit	
	Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 May 2005*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

OFFICE ACTION

1.   This action is responsive to communications: After Final Amendment, filed on 5/16/2005. The

finality of the original final action dated 4/15/2005 has been withdraw as necessitated by Applicant's

arguments.

Claims 1-20 are presented for examination. In amendment B, filed on 5/16/2005:

2.   It is noted that although the present application does contain line numbers in specification and

claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is

to number each line of every claim, with each claim beginning with line 1. For ease of reference by both

the Examiner and Applicant all future correspondence should include the recommended line numbering.

3.   Applicant is required to update the status (pending, allowed, etc.) of all parent priority

applications in the first line of the specification. The status of all citations of US filed

applications in the specification should also be updated where appropriate.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-12, 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al.

(hereinafter Rosenberg), "SIP Extensions for Presence", Internet Engineering Task Force, June 2000.

6.   As per claim 1, Rosenberg teaches a method for obtaining presence information by a first user

through a first network, the method comprising the steps of:

transmitting by the first user (pg 31, Fig 2, subscriber A) to a presence proxy (pg 31, Fig 2, proxy in

domain Y) a subscribe message (pg 31, Fig 2, subscribe 3) for presence information of a second user

(pg 31, Fig 2, presence server, note that the server can act as a proxy or a PA – presence agent, see for

example, pg 19, "5.4 presence server processing of subscribe");

transmitting by the presence proxy (pg 31, Fig 2, where proxy transmit subscribe message to presence

server, which act as PA) to a presence agent (pg 31, Fig 2, PA is the presence server) the subscribe

message, the presence agent related to the second user; and

transmitting by the presence agent the presence information to the presence proxy (pg 12, "in fact, it

is possible ..... received previously", 2nd to last paragraph, where the success response is generated at the

presence agent and forwarded to the presence server, and then back to the subscriber).

7.   As per claim 2, Rosenberg teaches the method for obtaining presence information as claimed in

claim 1, wherein there is further included the step of transmitting by the presence proxy to the first user,

the presence information (pg 12, "in fact, it is possible ..... received previously", 2nd to last paragraph,

where the success response is generated at the presence agent and forwarded to the presence server, and

then back to the subscriber).

8.   As per claim 3, Rosenberg teaches the method for obtaining presence information as claimed in

claim 1, wherein there is further included the steps of:

storing by the presence proxy the presence information (The presence server is storing presence

information, see for example, pg 35, 2nd paragraph); and

transmitting the stored presence information to the first user at a later time (pg 22, 2nd paragraph,

where the route information can be reused in subsequent communications; pg 12, 1st paragraph).

9.   As per claim 4, Rosenberg teaches the method for obtaining presence information as claimed in

claim 1, wherein the step of transmitting the subscribe message includes the step of transmitting by the

first user the subscribe message for presence information of a plurality of second users (pg 31, Fig 2,

where the presence server can act as the client or an agent, further, refer to Fig 1 on pg 8 for additional

details on multiple secondary users), at least one of said plurality of second users being located in a

second network (pg 31, Fig 2).

10.   As per claim 5, Rosenberg teaches the method for obtaining presence information as claimed in

claim 4, wherein the step of transmitting the presence information further includes the step of transmitting

by the presence proxy a plurality of response messages to the first user, each of the plurality of response

messages including presence information of one of the plurality of second users (pg 12, 2nd to last

paragraph).

11.   As per claim 6, Rosenberg teaches a method for obtaining presence information by a first user

through a first network, the method comprising the steps of:

    transmitting, by the first user to a presence proxy, a subscribe message for presence information of a

plurality of second users (pg 31, Fig 2);

    transmitting, by the presence proxy to a plurality of presence agents, a plurality of subscribe

messages, each of the plurality of presence agents corresponding to one of the plurality of second users

(pg 8, Fig 1); and

    transmitting by the presence proxy a single response message including the presence information of

each of the plurality of second users (pg 12, 2nd to last paragraph).

12.   As per claim 7, Rosenberg teaches the method for obtaining presence information as claimed in

claim 6, wherein there is further included the step of transmitting by each of the plurality of presence

agents to the presence proxy, the presence information corresponding to at least one of the plurality of

second users (pg 8, Fig 1).

13.   As per claim 8, Rosenberg teaches the method for obtaining presence information as claimed in

claim 6, wherein there is further included a step of storing by the presence proxy the presence information

of each of the plurality of second users (The presence server is storing presence information, see for

example, pg 35, 2nd paragraph; pg 22, 2nd paragraph; pg 12, 1st paragraph).

14.   As per claim 9, Rosenberg teaches the method for obtaining presence information as claimed in

claim 8, wherein the step of transmitting a single response message includes the steps of:

     forming said single response message including the presence information of each of said plurality of

second users (pg 8, 2nd paragraph, wherein the call-ID value represent a session where the requests and

response to requests are associated with); and

     transmitting the formed single response message to the first user (pg 8, 2nd paragraph).

15.   As per claim 10, claim 10 is rejected for the same reasons as rejection to claim 4 above.

16.   As per claim 11, claim 11 is rejected for the same reasons as rejection to combination of claims 1

and 6 above.

17.   As per claims 12, claims 12 is rejected for the same reasons as rejection to claim 7, above.

18.   As per claim 14, Rosenberg teaches the method for obtaining presence information as claimed in

claim 11, wherein the step of transmitting by the first user an identity of a list includes the step of

indicating by the first user the identity of one of a plurality of lists of second users for which to obtain

presence information (pg 12, middle of the page, wherein the list of users are defined in the "To:"

statement, this statement defines the destination which the subscriber is trying to subscribe to).

19.   As per claim 15, claim 15 is rejected for the same reasons as rejection to claim 4 above.

20.   As per claim 16, Rosenberg teaches a method for obtaining presence information by a first user

through a first network, the method comprising the steps of:

    transmitting by a presence agent a notify message to a presence proxy, the notify message including

presence information of a second user (pg 12, 2nd to last paragraph);

    transmitting the notify message by the presence proxy to the first user (pg 12, 2nd to last paragraph);

and

    storing the presence information of the second user by the presence proxy (The presence server is

storing presence information, see for example, pg 34, 2nd paragraph; pg 22, 2nd paragraph; pg 13, 1st

paragraph), if the presence proxy fails to receive an acknowledgement message from the first user (the

presence server stores the information no matter what in accordance with the standard, see for example,

pg 66, "requirement 2.5.2").

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such
> that the subject matter as a whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

21.   Claims 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al.

(hereinafter Rosenberg), "SIP extensions for Presence", Internet Engineering Task Force, June 2000, in

view of, Rosenberg et al. (hereinafter Rosenberg II), "A data format for presence using XML", Internet

Engineering Task Force, June 2000

23.   As per claim 13, Rosenberg does not explicitly teach combining by the presence proxy the

presence information from the presence agents to produce a combined response message; and transmitting

the combined response message to the first user.

In a similar system that deals with presence systems, Rosenberg II teaches combining a presentity

represented by a multitude of presence user agents (PUAs), each of which generates presence information

for a particular subset of the overall presence state of a presentity (pg 1, lines 7-10, lines 25-30, lines 35-

40), the combining aspect defines the standard which states "how these presence components are

combined to yield a complete presence document" (pg 1, lines 10-15).

It would have been obvious to the person ordinary skill in the art at the time of the invention to

combine teachings of Rosenberg and Rosenberg II in order to provide union of two presence documents

that are related to the same presentity (pg 7, lines 20-35).

24.   Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al.

(hereinafter Rosenberg), "SIP extensions for Presence", Internet Engineering Task Force, June 2000, in

view of Jiang et al. (hereinafter Jiang), US 2003/0059004.

25.   As per claim 17, Rosenberg does not explicitly teach the method for obtaining presence

information as claimed in claim 16 wherein there is further included a step of regaining access by the first

user to the presence proxy through the first network.

In a similar system, Jiang teaches:

a step of regaining access by a first user to the presence proxy through the first network ([0053]).

Jiang teaches failure recovery of the original failed node. It would have been obvious to combine

teachings of Rosenberg and Jiang because they are both dealing proxy server, furthermore, the teachings

of Jiang to have step of regaining access by a first user to the presence proxy through the first network

would improve the failure recovery and reliability of Rosenberg's system by allowing for continual usage

of the original failed node ([0015]).

26.   As per claim 18, Rosenberg teaches the method for obtaining presence information as claimed in

claim 17 wherein there is further included the step of transmitting a subscribe message by the first user,

the subscribe message including a request for presence information of a third user (pg 30, Fig 2).

27.   As per claim 19, Rosenberg teaches the method for obtaining presence information as claimed in

claim 18 wherein there is further included the steps of:

responsive to the step of transmitting a subscribe message for presence information of the third user,

transmitting by the presence proxy a subscribe message for presence information of the third user to a

presence agent (pg 30, Fig 2, proxy transmit the subscribe message to PA); and

transmitting by the presence agent a response message to the presence proxy, the response message

including the presence information of he third user (pg 12, 2nd to last paragraph).

28.   As per claim 20, Rosenberg teaches the method for obtaining presence information as claimed in

claim 19 wherein there is further included the step of transmitting by the presence proxy to the first user

the presence information of the third user and the presence information of the second user (pg 12, 2nd to

last paragraph).

Conclusion

29.   Applicant's remarks filed 1/31/05 have been considered but are found moot regarding the new

grounds of rejection.

30.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to
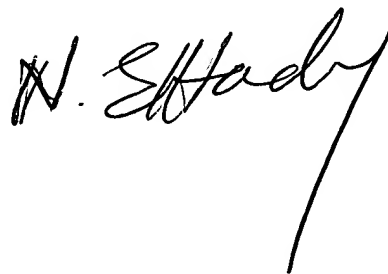
"PRESENCE WATCHER PROXY".

i.   "SIP Extensions for Presence", Rosenberg et al., Internet Engineering Task Force,
December 2000.

ii.   US 6564261   Gudjonsson et al.

iii.   US 2001/0034771   H[0092]tsch et al.

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be

reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization

where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

CZ
June 1, 2005